

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

RODRICK JONES, No. 281804,

Plaintiff,

Case No. 2:19-cv-11488
Hon. Linda V. Parker

v.

LINDSEY LAMONTAGNE,

Defendant.

_____/

ORDER TRANSFERRING CASE TO THE WESTERN DISTRICT OF MICHIGAN

Plaintiff Rodrick Jones is a Michigan prisoner incarcerated at the Oaks Correctional Facility, located in Manistee County, Michigan. The *pro se* complaint names Lindsey LaMontagne, a Michigan Department of Corrections Parole Revocation Hearings Examiner, as Defendant. The complaint asserts that Defendant denied Plaintiff his right to counsel at his parole revocation hearing held at the Lake County Residential Reentry Center, located in Lake County, Michigan.

The determination of the proper venue for a civil action in federal court is generally governed by 28 U.S.C. § 1391. Relevant here, the statute provides that a civil action may be brought in (1) a judicial district in which any defendant resides; or (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred. 28 U.S.C. 1391(b)). If venue is improper in the district where a case is filed, but would be proper in another district, “a district court has the power to sua sponte transfer [the] case.” *Cosmichrome, Inc. v. Spectra Chrome, LLC*, 504 F. App’x 468, 472 (6th Cir. 2012).

Lake County is part of the Western District of Michigan. 28 U.S.C. § 102(b). The Defendant resides in Lake County and the events forming the basis for the complaint occurred in Lake County. Because there is no apparent basis for venue to lie in this district, but there are facts in the complaint suggesting that venue would be proper in the Western District, the Court finds that the interests of justice would be served by transferring the case to the district where it should have been filed in the first instance. 28 U.S.C. § 1406(a).

Accordingly, the Clerk of the Court shall **TRANSFER** this case to the United States District Court for the Western District of Michigan.

IT IS SO ORDERED.

S/ Linda V. Parker
LINDA V. PARKER
U.S. DISTRICT JUDGE

Dated: June 13, 2019

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, June 13, 2019, by electronic and/or U.S. First Class mail.

S/ K. MacKay
Case Manager